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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 TYRONE HURT,

8 Plaintiff(s),

Case No. 2:16-CV-2868 JCM (EJY)

9 v.

ORDER

10 NATIONAL MUSEUM OF AFRICAN  
11 AMERICAN HISTORY AND CULTURE  
SMITHSONIAN,

12 Defendant(s).  
13

14 Presently before the court is Magistrate Judge Foley's report and recommendation  
15 ("R&R"). (ECF No. 11).

16 Judge Foley recommends that the instant action be dismissed because plaintiff Tyrone  
17 Hurt has neither paid the filing fee nor submitted a complete application to proceed *in forma*  
18 *pauperis*. *Id.* In fact, Judge Foley specifically ordered plaintiff to either pay the appropriate  
19 filing fee or submit a complete application in support of his request to proceed in forma pauperis  
20 when he denied plaintiff's initial request to proceed in forma pauperis without prejudice. (ECF  
21 No. 5). Plaintiff failed to comply with Judge Foley's order. Thus, Judge Foley recommends that  
22 this case be dismissed, and the case be closed. (ECF No. 11).

23 This court "may accept, reject, or modify, in whole or in part, the findings or  
24 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects  
25 to a magistrate judge's report and recommendation, then the court is required to "make a de novo  
26 determination of those portions of the [report and recommendation] to which objection is made."  
27 28 U.S.C. § 636(b)(1).  
28

1           Where a party fails to object, however, the court is not required to conduct “any review at  
2 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149  
3 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
4 magistrate judge’s report and recommendation where no objections have been filed. *See United*  
5 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
6 employed by the district court when reviewing a report and recommendation to which no  
7 objections were made).

8           Nevertheless, this court conducted a *de novo* review to determine whether to adopt the  
9 recommendation of the magistrate judge. Upon reviewing the recommendation and attendant  
10 circumstances, this court finds good cause appears to adopt the magistrate judge’s findings in  
11 full.

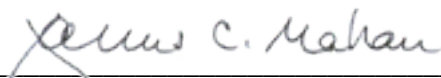
12           Accordingly,

13           IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Foley’s R&R  
14 (ECF No. 11) be, and the same hereby is, ADOPTED.

15           IT IS FURTHER ORDERED that plaintiff’s complaint is hereby DISMISSED.

16           The clerk is instructed to enter judgment and close the case accordingly.

17           DATED February 24, 2020.

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19           \_\_\_\_\_  
20           UNITED STATES DISTRICT JUDGE